



2654.41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

ATTWATER et al.

Atty. Ref.: 36-1008

Serial No. 09/930,395

TC/A.U.: 2654

Filed: August 16, 2001

Examiner: Armstrong, A.

For: VOICE OPERATED SERVICES

\* \* \* \* \*

July 22, 2004

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

JUL 26 2004

Technology Center 2600

Sir:

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

This is in response to the above-captioned Notice dated July 12, 2004 indicating that the Amendment filed February 6, 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In particular, the Notice states that "A complete listing of all of the claims is not present," and "The listing of claims does not include the text of all of the claims (incl. withdrawn claims)."

Applicant submits that the reasoning stated for non-compliance in the Notice is incorrect. The requirements of a complete listing of all claims and the listing of claims including the text of all claims do not apply to reissue applications. Indeed, Rule 1.121(a) provides "*Amendments in applications, other than reissue applications* (emphasis added)." Moreover, Rule 1.121(i) states "*Amendments in reissue applications*. Any amendment to the description and claims in reissue applications must be made in

accordance with §1.173.” **The present application is a reissue application.**

Accordingly, a complete listing of all of the claims and a listing of the claims including the text of all claims as indicated in the Notice is not required.

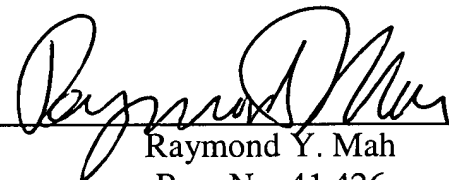
Nevertheless, in an attempt to expedite prosecution of the present application, Applicant has attached hereto an entire “Amendments to the claims” section which provides a complete listing of the claims and the text of all claims. The listing of the attached claims includes the results of the Amendment filed February 6, 2004.

This response is timely filed. Please proceed to process the application and proceed with examination.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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